

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jason Lavet Bethune,

Case No. 21-cv-2035 (WMW/DTS)

Plaintiff,

v.

ORDER

Woodbury Police Department, et al.,

Defendants.

Plaintiff Jason Lavet Bethune has filed a motion requesting both an extension of time to file an amended complaint and appointment of counsel in this matter. See Docket No. 7. The motion will be granted with respect to the request for an extension of time. Bethune may file an amended complaint by no later than November 12, 2021. The operative pleading in this matter—either the amended complaint or Bethune’s original complaint—will then be reviewed in conjunction with Bethune’s pending application to proceed *in forma pauperis*.

The motion will be denied without prejudice, however, with respect to the request for appointment of counsel. “A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case.” *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998); *see also In re Lane*, 801 F.2d 1040, 1042 (8th Cir. 1986) (“The decision to appoint counsel in civil cases is committed to the discretion of the district court.”). It is not yet apparent that appointment of counsel would benefit either plaintiff or the Court—indeed, it is not yet clear what claims will be prosecuted by Bethune in this proceeding or whether there is a plausible factual basis alleged for any of those claims. This Court will reconsider

sua sponte whether appointment of counsel is appropriate should the need become apparent. For now, however, the request is denied without prejudice.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED:** The motion of plaintiff Jason Lavet Bethune [Dkt. No. 7] is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. The request for an extension to file an amended complaint is GRANTED. Bethune must file his amended complaint by no later than November 12, 2021.
2. The request for appointment of counsel is DENIED WITHOUT PREJUDICE.

Dated: November 4, 2021

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge